

KENNETH WAYNE HIGGINS,
Appellant

v.

BILLINGS AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Dismissing Appeal
:
:
: Docket No. IBIA 98-15-A
:
:
: March 24, 1998

Appellant Kenneth Wayne Higgins sought review of a September 18, 1997, decision issued by the Billings Area Director, Bureau of Indian Affairs (Area Director; BIA), declining to release to Appellant funds held in an Individual Indian Money account for Kenneth W. McKelvey. The basis for the Area Director's decision was that Appellant had not submitted sufficient proof that he and Kenneth W. McKelvey were the same person.

This appeal has been stayed while Appellant attempted to obtain additional proof. On February 23, 1998, the Board received from Appellant a copy of a February 10, 1998, Order of the Superior Court of the State of California, County of Placer, which found that Appellant and Kenneth W. McKelvey were the same person. The Board requested that the Area Director inform it whether he considered this Order sufficient proof of Appellant's identity.

On March 23, 1998, the Board received a Notice of Settlement Agreement and Motion to Dismiss Pursuant to Settlement Agreement, signed by both the Area Director and Appellant.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Billings Area Director's September 18, 1997, decision is dismissed on the basis of the Settlement Agreement reached between the parties.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge